

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:22-cv-00204-MR-WCM**

**LARRY R. KOECHEL and wife,  
KAREN C. KOECHEL,**

**Plaintiffs,**

**vs.**

**AVERY'S CREEK, LLC and FRED  
SPIEGEL,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on the parties' Joint Motion to Stay Proceedings, Arbitrate, and Dismiss Individual Defendant and Individual Defendant's Counterclaims. [Doc. 5].

Upon review of the parties' Motion, the Court hereby enters the following Order.

**IT IS, THEREFORE, ORDERED** that the parties' Joint Motion [Doc. 5] is **GRANTED** as follows:

- (1) The Plaintiffs and the LLC Defendant have agreed to participate in a voluntary mediation of their claims hereunder, as stated in the contract attached to the complaint. If said parties' claims are not resolved at mediation, the claims shall be submitted to arbitration with Bill Brazil to serve as arbitrator under the rules

set forth in the North Carolina Revised Uniform Arbitration Act, N.C. Gen. Stat. § 1-569.1 *et seq.*

- (2) Defendant Fred Spiegel, in his individual capacity, is hereby **DISMISSED WITH PREJUDICE** from this action and from all claims related to the allegations of the complaint pursuant to Fed. R. Civ. P. 41(a). As part of this voluntary dismissal, the parties have agreed that Mr. Spiegel shall not seek sanctions or attorney fees from the Plaintiffs related to his inclusion in this action as an individual party Defendant.
- (3) The counterclaims against the Plaintiffs by Defendant Fred Spiegel are hereby **DISMISSED WITH PREJUDICE** from this action pursuant to Fed. R. Civ. P. 41(c). The counterclaims by the LLC Defendant shall remain in the action.
- (4) All proceedings in this action, including discovery, are **STAYED** pending completion of mediation and arbitration, the latter of which shall occur no later than February 28, 2023.
- (5) The parties are directed to submit a status report every thirty (30) days while this action is stayed.

**IT IS SO ORDERED.**

Signed: October 27, 2022



---

Martin Reidinger  
Chief United States District Judge

